

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|---|---|-----------------------|
| Monroe R. Parker, Jr., |) | |
| |) | C/A No. 4:07-0037-MBS |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER |
| Beaufort County Sheriff's Department, |) | |
| State of South Carolina, Sheriff P.J. Tanner, |) | |
| Sgt. R. Edwards, Jr., and Isaac McDuffie |) | |
| Stone, III, RK Toyota-Volvo, Inc., |) | |
| |) | |
| Defendants. |) | |
| |) | |

Plaintiff Monroe R. Parker, Jr., proceeding pro se, brought this action on January 4, 2007 pursuant to 42 U.S.C. § 1983. He filed an amended complaint on February 15, 2007.

This matter is before the court on motion to dismiss for failure to prosecute filed by Defendants Overland, Inc. d/b/a Land Rover Hilton Head and Charles E. Smith on April 17, 2008. On April 17, 2008, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the dismissal procedures and the possible consequences if he failed to respond adequately. Plaintiff filed no response to the motion to dismiss.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III for pretrial handling. On May 23, 2008, the Magistrate Judge issued a Report and Recommendation in which he recommended that Defendants Overland, Inc. d/b/a Land Rover Hilton Head and Charles E. Smith be dismissed pursuant to Fed. R. Civ. P. 41(b). Plaintiff filed no response to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Defendants Overland, Inc. d/b/a Land Rover Hilton Head and Charles E. Smith are dismissed with prejudice pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

June 18, 2008.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.